# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

| CORDIS CORPORATION,               | )                                 |
|-----------------------------------|-----------------------------------|
| Plaintiff,<br>v.                  | ) ) Civil Action No. 97-550 (SLR) |
| MEDTRONIC VASCULAR, INC., et al., | )                                 |
| Defendants.                       | )<br>)<br>)                       |
| MEDTRONIC VASCULAR, INC.,         | )<br>)                            |
| Plaintiff,                        | ) Civil Action No. 97-700 (SLR)   |
| v.                                | )                                 |
| CORDIS CORPORATION, et al.,       | )<br>)<br>)                       |
| Defendants.                       | )                                 |

#### MEDTRONIC VASCULAR INC.'S CONDITIONAL REQUEST FOR ORAL ARGUMENT

Briefing on Medtronic Vascular, Inc.'s renewed motion for judgment as a matter of law and motion for a new trial (D.I. 1383, 1384, 1397, 1398, 1407, 1414) is complete. Briefing on Boston Scientific Corporation's ("BSC") corresponding motion for judgment as a matter of law and, in the alternative, for a new trial, is also complete, and BSC has requested oral argument on that motion (D.I. 1420).

Although Medtronic Vascular, Inc. believes that oral argument on its post-trial motions (D.I. 1383, 1384) is unnecessary, if the Court grants oral argument in the co-pending action against BSC, Medtronic Vascular would request oral argument as well because there are some issues common to both parties' motions.

#### MORRIS, NICHOLS, ARSHT & TUNNELL

/s/ Leslie A. Polizoti

Karen Jacobs Louden (#2881) Leslie A. Polizoti (#4299) 1201 North Market Street P.O. Box 1347 Wilmington, Delaware 19899 (302) 658-9200

Attorneys for Medtronic Vascular, Inc.

#### OF COUNSEL:

Raphael V. Lupo Donna M. Tanguay Mark G. Davis D. Michael Underhill Michael W. Connelly McDERMOTT WILL & EMERY 600 13th Street, NW Washington, DC 20005 (202) 756-8000

Richard S. Florsheim FOLEY & LARDNER LLP 777 East Wisconsin Avenue Milwaukee, WI 53202-5306 (414) 271-2400

May 31, 2005

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was electronically filed on May 31, 2005 with the Clerk of the Court using CM/ECF which will send notification of such filing by email to Steven J. Balick and to Josy W. Ingersoll.

I also hereby certify that I caused copies of the foregoing document to be served on May 31st, 2005 upon the following counsel of record in the manner indicated:

### **BY HAND**

Steven J. Balick Ashby & Geddes 222 Delaware Ave., 17th Flr. Wilmington, DE 19801

Josy W. Ingersoll Young, Conaway, Stargatt & Taylor LLP 1000 West Street, 17th Floor Wilmington, DE 19801

> /s/ Leslie A. Polizoti (#4299) MORRIS, NICHOLS, ARSHT AND TUNNELL (302) 658-9200 lpolizoti@mnat.com